

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

This Document Relates to All Actions

Case No. 18-cv-1776 (JRT/JFD)

**PLAINTIFFS' AND HORMEL CUSTODIANS' STIPULATION TO  
PRODUCE DATA AND EXTEND THE MOTION DEADLINE**

WHEREAS, Plaintiffs issued subpoenas to dozens of custodians, including former employees of Hormel, seeking production of certain text messaging data;

WHEREAS, on March 31, 2022, the Court issued its order regarding Hormel custodians' production of text messages;

WHEREAS, because disputes regarding the scope of production remained, Plaintiffs, Hormel, and the third-party custodians met and conferred and exchanged correspondence from May through August of 2022, regarding which devices would be imaged and searched for responsive data;

WHEREAS, by August 5, Hormel and counsel for the custodians agreed to image, search, and produce any responsive data from devices belonging to Cory Bollum, Donald Temperley, Eric Steinbach, James Fiala, Jeffrey Ettinger, James Snee, Steven Binder, Thomas Day, Glenn Leitch, and Jim Sheehan ("Ten Custodians");

WHEREAS, Plaintiffs then asked for a modified vendor agreement with separate signature blocks and invoicing for each plaintiff group, which was provided on September 7;

WHEREAS, all the necessary parties had returned signed copies of the modified vendor agreements by September 20, 2022;

WHEREAS, counsel for the Ten Custodians began working with the custodians and forensic providers to complete device imaging and data collection in accordance with the parties' agreement and agreed to provide information regarding progress as soon as possible;

WHEREAS, on October 24, 2022, Plaintiffs' counsel wrote to counsel for the custodians to ask when the Ten Custodians' production would be made and restated what the case's discovery deadline is;

WHEREAS, counsel for the Ten Custodians responded that she did not have a date certain when the production would be completed, but she expected to be able to review some data later that week or the following week;

WHEREAS, on October 28, 2022, Plaintiffs requested a date certain for the production, an authentication agreement, and an agreement that no objection would be made to production after the close of discovery;

WHEREAS, on November 11, 2022, Plaintiffs advised counsel for the custodians and counsel for Hormel that if the Ten Custodians' production was not made by November 14 at noon, the non-dispositive motion deadline would leave Plaintiffs with no choice but to file a motion to enforce the Court's Order;

WHEREAS, on November 14, 2022, Plaintiffs and counsel for the Ten Custodians met and conferred and agreed to the following STIPULATION:

Plaintiffs and the Ten Custodians stipulate and hereby respectfully request that the Court (1) require counsel for the Ten Custodians to image, search, review, and produce any responsive text message data as described by the Court's Order and the parties' agreement by December 9, 2022, and (2) grant an extension of the deadline for filing any motions concerning deficiencies in this production to two weeks after complete production of the data.

Dated: November 14, 2022

Respectfully submitted,

/s/Ian F. McFarland

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*Counsel for Commercial and Institutional  
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Dated: November 14, 2022

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